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Attorney for Defendant First National Bank of Omaha

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

LAWRENCE JAMES SACCATO,

Plaintiff,

v.

DAVIS LAW FIRM; DKC INVESTMENTS
LLC a/s/o; FIRST NATIONAL BANK OF
OMAHA,

Defendants.

Case No. CV-10-6192 TC

**DEFENDANT FIRST NATIONAL BANK
OF OMAHA'S MOTION TO DISMISS**

**(Request for Telephonic
Oral Argument)**

LR 7-1 CERTIFICATION

Pursuant to LR 7-1, counsel for defendant First National Bank of Omaha ("FNBO") certifies that he conferred by telephone with plaintiff in a good faith effort to resolve the dispute that is at issue in this motion, but the parties were unable to resolve the dispute.

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MOTION

Pursuant to Fed. R. Civ. P. 12(b)(6), FNBO moves to dismiss plaintiff's claims because they fail to state a claim against FNBO upon which relief can be granted.

DATED: October 4, 2010

COSGRAVE VERGEER KESTER LLP

/s/ Robert E. Sabido

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Attorney for Defendant First National
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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing
DEFENDANT FIRST NATIONAL BANK OF OMAHA'S MOTION TO DISMISS on the
date indicated below by:

- mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- hand delivery,
- facsimile transmission,
- overnight delivery,
- electronic filing notification;

I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney(s) at the address(es) listed below:

Lawrence James Saccato
c/o 6387 Old 99 S.
Roseburg, OR 97471
Plaintiff *pro se*

Jeffrey Hasson
Davenport & Hasson, LLP
12707 NE Halsey Street
Portland, OR 97230
Attorney for Defendant DKC Investments LLC

DATED: October 4, 2010

/s/ Robert E. Sabido

Robert E. Sabido